

THE HONORABLE JOHN C. COUGHENOUR

UNITED STATES DISTRICT COURT
WESTERN DISTRICT OF WASHINGTON
AT SEATTLE

UNITED STATES OF AMERICA,

Plaintiff,

v.

SON V. TRAN, et al.,

Defendants.

CASE NO. CR15-0120-JCC

ORDER CONTINUING TRIAL AND
OTHER DEADLINES

This matter comes before the Court on the stipulated motion of the government and seventeen out of the twenty Defendants arraigned to date (as noted in the motion) to continue the trial in this matter, and to set a new pretrial motion cutoff consistent with that new trial date. (Dkt. No. 262.) Having considered the motion, any responses and objections, and all the files and records herein, the Court finds and rules as follows:

Counsel for all defendants agree that a continuance is necessary. Counsel for the seventeen defendants who have stipulated to the instant motion request a continuance to late January or February of 2016. Two defendants (Long V. Troung, represented by David Hammerstad, and Steven Connell, represented by Allen Bentley) request a shorter continuance. (*See* Dkt. No. 262 at 3.) Mr. Connell requests a trial date no later than October 31, 2015. (Dkt. No. 263.) A third defendant, Phuong A. Nguyen, represented by Robert Goldsmith, has refused to sign a speedy trial waiver, though Mr. Goldsmith has indicated that he believes a continuance is likely necessary and he does not oppose the instant motion. (*See* Dkt. No. 262 at 3.)

1 The facts supporting continuing the trial and excluding the consequent delay are set forth
2 in the Stipulated Motion to Continue, incorporated by this reference, and include the following:

3 (a) the number of defendants charged; (b) the nature of the prosecution, which includes wiretaps
4 over four separate phone lines, with many calls in a foreign language; and (c) the volume of
5 discovery produced, and still to be produced.

6 THIS COURT FINDS, pursuant to Title 18, United States Code, Section 3161(h)(7)(B)(i)
7 and (iv), that failure to grant a continuance in this case would be a miscarriage of justice, and
8 would deny counsel for the parties the reasonable time necessary for effective preparation, due to
9 defense counsels' need for more time to review the considerable volume of discovery and
10 evidence produced and still to be produced and to consider possible defenses and motions, taking
11 into account the exercise of due diligence.

12 THIS COURT FINDS, pursuant to Title 18, United States Code, Section 3161(h)(6) and
13 (7), that a continuance until November 2, 2015 is a reasonable period of delay in that a
14 substantial majority of the defendants have indicated they require more time to prepare for trial.
15 The Court finds that more time is, in fact, necessary, given the complexity of the case, the
16 number of defendants, and the volume of discovery produced and still to be produced.

17 THIS COURT FINDS, therefore, that pursuant to Title 18, United States Code, Sections
18 3161(h)(6) and 3161(h)(7), the ends of justice will best be served by a continuance, and that they
19 outweigh the best interests of the public and the defendants in a speedy trial. While seventeen of
20 the defendants have stipulated to a longer continuance, they have not yet provided any filings
21 demonstrating that the shorter continuance requested by Mr. Connell would not give them
22 adequate time to prepare. These defendants may request a further continuance should the need
23 arise. Because no motion to sever has been made or granted, and because defendants Long V.
24 Troung and Phuong A. Nguyen have not filed objections to the motion to continue, any
25 objections that might be implied by these defendants' refusal to stipulate to the continuance, or
26 by Mr. Nguyen's refusal to sign a speedy trial waiver, are overruled. To the extent that defendant
27 Steven Connell objects to a trial date after October 31, 2015, his objections are overruled for the
28 same reasons.

1 THIS COURT FURTHER FINDS that all of the additional time requested between the
2 current trial date of and the new trial date of November 2, 2015, is necessary to provide counsel
3 for the defendants the reasonable time necessary to prepare for trial.

4 NOW, THEREFORE, IT IS HEREBY ORDERED that the trial date will be continued as
5 to all defendants until November 2, 2015 at 9:30 a.m.

6 IT IS HEREBY ORDERED that pretrial motions will be filed no later than September
7 25, 2015.

8 IT IS HEREBY ORDERED that stipulating defendants shall file speedy trial waivers no
9 later than 12:00 p.m. on June 19, 2015, to the extent they have not already done so.

10 IT IS FURTHER ORDERED that the time between this date and the new trial date is
11 excluded in computing the time within which a trial must be held pursuant to Title 18, United
12 States Code, Section 3161, et seq.

13 DATED this 16th day of June 2015.

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A handwritten signature in black ink, reading "John C. Coughenour", is written over a horizontal line.

John C. Coughenour
UNITED STATES DISTRICT JUDGE